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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,730	07/16/2003	Miska M. Hannuksela	061602-3486	9027

30542 7590 10/19/2007  
FOLEY & LARDNER LLP  
P.O. BOX 80278  
SAN DIEGO, CA 92138-0278

EXAMINER
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SENGI, BEHROOZ M

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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10/19/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/620,730	<b>Applicant(s)</b> HANNUKSELA, MISKA M.	
	<b>Examiner</b> Behrooz Senfi	<b>Art Unit</b> 2621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 July 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 9 – 14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The claim(s) contains subject matter, noted in claim 9, lines 5, encoding a first coded picture, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant fails to explicitly explain the above subject matter “encoding a first coded picture” in a clear and concise language in the specification of the present application.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 15, 17 – 21, 23 – 27, 29 - 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Hannuksela (US 2002/0054641).

Regarding claim 15, Hannuksela discloses, a method of encoding a video sequence (i.e., fig. 3), comprising: providing in an encoded bit-stream, a first indication corresponding to an intra coded picture (i.e., fig. 3, flag 112a, page 4, paragraph 0048), the first indication indicating whether or not at least a part of at least one picture is encoded with reference to a picture preceding the intra coded picture in encoding order (i.e., page 2, paragraph 0016 and page 6, paragraph 0070), the at least one picture having an encoding order succeeding the intra coded picture (i.e., page 5, paragraphs 0058 and 0062); and performing motion compensated prediction for a second picture with reference to the at least one picture (i.e., fig. 3, MC 222).

Regarding claims 17 - 18, Hannuksela discloses, wherein the first indication is provided in a picture/slice header (i.e., page 5, paragraph 0062).

Regarding claim 19, Hannuksela discloses, providing an indication of a random access point (i.e., page 5, paragraphs 0067 and 0068).

Regarding claim 20, the limitations claimed are substantially similar to claim 15, which have been analyzed and rejected. As for display order, please see (page 5, paragraph 0062 and page 6, paragraph 0072).

Regarding claims 21 and 27, Hannuksela discloses, decoding from the encoded bit-stream (i.e., decoding part of fig. 3) and discarding the first coded picture without decoding (i.e., page 5, paragraph 0063).

Regarding claims 23, 24, 29 and 30, Hannuksela discloses, indication retrieved from a picture header (i.e., page 5, paragraphs 0061 and 0062).

Regarding claims 25 and 31, the limitations claimed have been addressed in claim 19 above.

Regarding claims 26 and 32, the limitations claimed are substantially similar to claim 20 above, therefore the ground for rejecting claim 20 also applies here.

Regarding claim 33, Hannuksela discloses, encoding order (i.e., page 6, paragraph 0072).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 16, 22 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hannuksela (US 2002/0054641) in view of Sullivan (US 7,149,247).

Regarding claims 16, 22 and 28, Hannuksela is silent in regards to explicit of, network abstraction layer unit.

However, Sullivan teaches network abstraction layer unit (i.e., col. 5, lines 40 – 50) being used for delivery over a variety of networks.

In view of the above it would have been obvious to one having ordinary skill in the art at the time of the invention was made to use network abstraction layer unit as

suggested by Sullivan in video coding and transmission of Hannuksela to provide and enhance functionality such as random accessibility without degrading the user's experience, as suggested by Sullivan (i.e., col. 4, lines 4 – 6).

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Behrooz Senfi whose telephone number is 571-272-7339. The examiner can normally be reached on M-F 7:00-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone

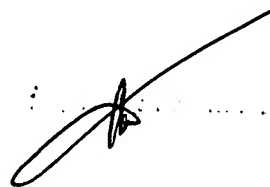
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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Behrooz Senfi  
Examiner  
Art Unit 2621

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A handwritten signature in black ink, appearing to read 'Behrooz Senfi', with a long, sweeping horizontal stroke extending to the right.